

REMARKS

In the Office Action, the disclosure was objected to because a description of the claimed invention is allegedly not commensurate with the claims; Claims 1, 3-5, 8-12 and 21-24 were objected to for alleged informalities; Claims 1, 3-5, 8-12, and 21-24 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention; Claims 22-24 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement; and Claims 1, 3-5, 8-12, and 21-24 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Romare (U.S. Pat. No. 6,027,484).

With respect to the objection of the disclosure, the Applicants appreciate the Examiner's attention to detail. The Applicants have reinserted an appropriate sentence at page 4 of the Specification as indicated herein. The added sentence was inadvertently deleted in Amendment D. Applicants respectfully submit that the Summary and the claims are now commensurate and respectfully request removal of the objection to the disclosure.

The Office Action interprets claim language to include a releasable fastener in Claims 8 and 22 that do not require the capability of refastening after release. The Applicants agree that the claims are not limited to require the capability of refastening after release. Further, the Applicants respectfully direct the Examiner's attention to the originally filed Specification, page 10, lines 1-3, in which the releasable fastener can be refastened after release. Thus, the releasable fastener of Claims 8 and 22 can be refastened after release or not.

Regarding the objections to Claims 1, 3-5, 8-12, and 21-24 due to informalities, the Applicants have suitably amended Claims 8 and 22 in accordance with the

Examiner's suggested corrections. Therefore, the Applicants respectfully request removal of the claim objections and reconsideration of Claims 1, 3-5, 8-12, and 21-24.

Regarding the rejection of Claims 1, 3-5, 8-12, and 21-24 under 35 U.S.C. § 112, second paragraph, the Applicants have suitably amended the claims and respectfully request removal of the rejection and reconsideration of Claims 1, 3-5, 8-12, and 21-24.

Applicants respectfully traverse the rejection of Claims 22-24 under 35 U.S.C. § 112, first paragraph. The Applicants respectfully direct the Examiner's attention to Figure 1 and page 16, lines 8-9, of the originally filed Specification for support of the claim language in Claim 22. Support for the attachment sites attached at each lateral portion being configured to stretch in Claim 22 is found, for example, in the originally filed Specification at page 13, lines 9-34, and Applicants' Preliminary Amendment A at pages 3-4. Regarding Claim 24, the Applicants respectfully direct the Examiner's attention to the originally filed Specification at page 9, lines 24-27, in which the lateral sections are described as being attached to the fastener receptive area 56 and therefore, not the front portion 20.

Applicants respectfully submit that Claims 1, 3-5, 8-12, and 21-24 are patentable over Romare. Claim 8, for instance, recites in pertinent part strength of attachment at the attachment sites of the outer portions of the first and second lateral sections that are sufficiently weak to separate the attachment sites to adjust the releasable fastener without substantially fracturing the front portion. Romare does not disclose or suggest each and every element of Claim 8.

In contrast to Claim 8, Romare must fracture the front portion at separating line 12 and multiple glue points 10 in order to adjust fasteners 15, 16 on the fastener 17. See, e.g., Figures 1 and 2 of Romare. Applicants further note that the disclosed fasteners 15, 16 can only be adjusted away from the separating line 12 on the fastener 17. The cited reference is thus substantially different from Claim 8, and due to its

deficiencies does not anticipate Claim 8. Accordingly, Applicants respectfully request that the Examiner indicate the allowability of Claim 8, and its dependent Claims 1, 3-5 and 9-14.

Applicants respectfully submit that Claim 22 is patentable over Romare. Claim 22 recites in pertinent part the first and second lateral sections configured to be stretchable relative to the fastener receptive area with the releasable fastener fastened in the fastener receptive area when the personal care article is worn as a pant; and strength of attachment at said attachment sites of said outer portions of said first and second lateral sections to said front portion being sufficiently weak such that said attachment sites can be separated from said front portion without fracturing said front portion, the attachment sites when intact configured to stabilize the first and second lateral sections relative to said longitudinal axis to prevent said front portion from folding over on itself, said attachment sites being attached at each lateral portion further configured to stretch away from or toward said longitudinal axis when the personal care article is worn as the pant. Applicants respectfully submit that Romare does not disclose each and every element of Claim 22.

Romare does not teach strength of attachment and attachment sites as presently claimed. Further, Applicants respectfully submit that the male parts 15,16 of Romare when attached to the female part 17 do not stretch, nor do the multiple glue points 10 allow stretchability as claimed by Claim 22.

Regarding the Response to Arguments in the Office Action, Applicants respectfully direct the Examiner's attention to lines 15-16 of Claim 22 in which the first and second lateral sections are stretchable relative to the fastener receptive area with the releasable fastener fastened in the fastener receptive area. The Examiner's attention is also respectfully directed to line 1, page 9 of Amendment D where the attachment sites attached at each lateral portion are configured to stretch away from or

toward a longitudinal axis when the personal care article is worn as the pant. Applicants respectfully submit that Romare does not disclose attachment sites that stretch away from or toward a longitudinal axis while the releasable fastener is fastened to the fastener receptive area. In other words, as seen in Figure 1 of Romare none of the glue points 10 can move relative to line 12 without being broken.

The Office Action further states in the Response to Arguments that the species of the invention, which has an intact separation line, is not the elected species. However, Applicants respectfully submit that whether the side seams 63 and 65 are broken or whether the fasteners 31a,b are released from the fastener receptive area 56, stretchability and relative movement of the attachment sites 46 relative to the longitudinal axis are not affected. Therefore, Applicants respectfully submit that Romare does not anticipate Claim 22, and Applicants respectfully request the removal of the rejection to Claim 22 and allowance of Claims 22-24.


Applicants respectfully submit that the present Amendment places the application in condition for allowance and respectfully request its issuance as a U.S. Patent.

If the Examiner has any questions upon consideration of this Amendment E, the Applicants invite the Examiner to contact the undersigned at the Examiner's convenience.

Please charge any fees required by this Amendment to Deposit Account No. 04-1403.

3-10-04
Date

Respectfully submitted,
DORITY & MANNING, P.A.


Bernard S. Klosowski, Jr.
Reg. No. 47,710
P.O. Box 1449
Greenville, SC 29602-1449
(864) 271-1592
FAX (864) 233-7342